USPTO IAP78 MAR 26 2007 PATENT & TRADEMARK OFFICE

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	David B. Kinder, et al.	§	Art Unit:	2623
Serial No.:	09/515,272	§	Examiner:	James R. Sheleheda
Filed:	February 29, 2000	§	Atty Docket:	ITL.0315US (P7998)
For:	Providing a Viewer Incentive with Video Content	§	Assignee:	Intel Corporation

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the new arguments set forth in the Examiner's Answer, the following reply brief is submitted.

The Examiner postulates that Dedrick teaches sending an advertisement (which could be a coupon) that is displayed to an extent dependent upon the time viewing video content. This is asserted to be so because the advertisement is sent as packets and they are sent in the vertical blanking interval accompanying the video signal. To accept this proposition though, one must believe that what Dedrick is describing is a system in which the advertisement is displayed as received at the same time as the video image. There is no basis for this assumption and, in fact, the reference indicates to the contrary.

Specifically, in column 4, lines 7-22, it is explained that "The decoder 84 decodes the information [the advertisement and video signal] and removes the electronic advertisement from the video signal." Then it is explained that "The electronic advertisement and the video signal

Date of Deposit: March 21, 2007
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Cynthia L. Hayden
Cynthia L. Hayden

can be provided to the computers 90 for consumption by the end user" and "the video signal can be provided to the television receiver 96." From this it is clear that the two items (video signal and advertisement) are received in full and then the advertisement is provided in full to the computer. The advertisement is not printed at the same time that the video signal is displayed on the television receiver. Instead, they are simply transmitted at the same time, received, and then the advertisement is provided in full for printing on the computer and the video signal is displayed on a television 96. Thus, necessarily, one may be displayed and then the other, but there is no suggestion that the two separate items are in any way displayed as received on the same display. Moreover, it is clear that the advertisement is fully received before the advertisement is sent to the computer for printing or the video signal is sent to the television.

Contrary to the assertions in the Examiner's Answer, the advertisement is not transmitted in a way that portions of the image of the advertisement accumulate depending on viewing time to form the complete image. To the contrary, it is all or nothing in Dedrick. If you turn off the reception of the transmission at any intermediate time, you get nothing on the computer 90 and the television 96. If you leave the transmission on sufficiently to get one or the other of the advertisement or the video signal, then you get both in full at the television/computer.

Therefore, Dedrick teaches away from transmitting partial, incomplete portions of a complete viewer incentive image over time in association with said content, such that the portions of said image accumulate depending on the viewing time to form said complete image. Moreover, the claim requires that the method enable the partial, incomplete portions to be displayed. There is no way to display any partial, incomplete portions of the advertisement in Dedrick. It is all or nothing. The entire advertisement is displayed and the entire video signal can be displayed, but neither is even sent to the computer 90 or the display 96 until both are received, decoded, and separated apart.

There is no way in Dedrick to display the partial, incomplete portions without displaying the complete advertisement image. That is because nothing is sent to the computer for display until the entire advertisement has been received and separated from the video signal.

Moreover, the claim requires that the extent of the incomplete image that is displayed in the form of said portions being dependent on the time spent viewing the video content. In the Appeal Brief, this was referred to as displaying only the portion earned. While the Examiner nitpicks the use of the language "earned," it is clear that the portion earned is the portion

displayable whose extent is dependent on the time spent viewing the video content, in sense that one earned the display of the incentive based on the time spent viewing. The Examiner's quibble that the "earned" language is not in the claim simply provides a convenient way to avoid facing the brunt of the Applicant's position.

In short, nothing in Dedrick enables the extent of the incomplete advertisement image that is displayed in the form of the portions that are in any way dependent on the time spent viewing the video signal. In fact, viewing the video signal has nothing whatsoever to do with what advertisement you get. In Dedrick, the viewer sees nothing until the video signal and the advertisement have both been received, decoded, and separated. The Examiner assumes, without basis, that the viewer is watching the video signal during the decoding. But the reference is explicit that nothing is shown and nothing is provided to the computer until the video signal and the advertisement are received and separated. Thus, the assumption that the viewer is viewing something while the transmission is occurring is erroneous. The viewer sees nothing until after the advertisement is transmitted to the computer for printing and the video signal is sent to the television. What is transmitted to the computer for printing is the complete advertisement. Thus, the cited Dedrick reference does not teach a single element set forth in the claims.

The PNG reference supposedly teaches gradually displaying an image. The asserted basis for combining with PNG is to display more quickly. But the issue is that you have to pick and choose what to display more quickly. There is no reason to print the advertisement of Dedrick more quickly (which must be the Examiner's position because it is the advertisement that must be shown progressively). The claim requires that the incentive be displayed to an extent based on viewing time of the video content. There is no way to speed up the display of the advertisement in a claimed embodiment because its display extent is dependent on viewing time as claimed. Thus, there is no rationale to try to modify Dedrick with the PNG reference. (This point was made in the Appeal Brief and simply ignored in the Examiner's Answer by nitpicking the "earned" language).

Moreover, even if one were to apply PNG selectively to only the advertisement in Dedrick and not to the video signal (which is certainly questionable), you then could have the situation where the advertisement is showing up on the printer before the video signal ever gets displayed.

Moreover, if one tried to combine Dedrick and PNG in the way claimed, you still have the problem that Dedrick teaches receiving both and pulling out the advertisement and the video signal separately and then sending the advertisement to the computer. Thus, even if you progressively made the advertisement viewable, it cannot be viewed until it gets transmitted for printing by the computer which is only done in Dedrick after both the complete video signal and the VBI signal are received, decoded, and split.

Instead, it seems like the only way that you could use Dedrick is to gradually fade in both images. This surely would not work because no one would then be able to see the video signal or the advertisement. Since, in Dedrick, both the video signal and the advertisement are sent together, there is no explanation in PNG or Dedrick how you could handle one progressively and the other not.

And even if you somehow found a way around this problem, you have the problem that the advertisement and the video signal would be progressively streamed, but they would not be separated until the entire image was received and only after separation would the advertisement be provided to the computer for printing. There would be no reason to try to expedite the gradual progression of images to the first receiver prior to transmission to the computer because it would not in any way speed up the printing of the computer because that is not provided until after both the signal and advertisement are received and separated.

It should also be noted that the advertisement is one frame. See column 4, line 10. Since the advertisement is separated, it must be a separate file. The video signal may play on the television 96, but the single frame or the video signal (but not both) plays on the computer as selected by the user. There is no relative or synced display of the two since they are separate files that must be displayed on different devices to see them both at the same time. Thus, there is no way to show a portion of the advertisement dependent on viewing time of the video signal.

In short, the proffered combination by the Examiner is woefully inadequate and fundamentally unsound. Therefore, the rejection should be reversed.

Respectfully submitted,

Date: March 21, 2007

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation